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See for #

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date appearing below.

ELI LILLY AND COMPANY

By YKB/BorderDate 9-3-98

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Michael R. DeFelippis, et al. )  
Serial No. : 09/096,247 )  
Filed : June 11, 1998 ) Group Art Unit  
For : STABLE INSULIN FORMULATIONS ) 1646  
Docket No. : X-10675 )

**TRANSMITTAL OF DECLARATION UNDER 37 C.F.R. 1.51 (a)(1)(ii)**  
**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D. C. 20231

Sir:

This is in response to a "Notice to File Missing Parts of Application" dated June 11, 1998, noting the absence of a declaration from the papers filed with the above-identified application.

Enclosed herewith are: 1) a copy of the Notice and 2) a Declaration under 37 C.F.R. 1.63 by the Applicants in this application.

Please charge Deposit Account No. 05-0840 in the amount of \$130 for the surcharge required by §1.16(e). The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this Response, or

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credit any overpayment, to Deposit Account No. 05-0840. An original and two copies of this paper are enclosed.

Respectfully submitted,



Steven P. Caltrider  
Attorney for Applicants  
Registration No. 36,467  
Phone: 317-276-0757

Eli Lilly and Company  
Patent Division/SPC/MJS  
Lilly Corporate Center  
Indianapolis, Indiana 46285

September 2, 1998

SCANNED 4



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/096,247	06/11/96	DEFELIPPIS	X-10675

STEVEN P CALTRIDER  
ELT LILLY AND COMPANY  
LILLY CORPORATE CENTER  
PATENT DIVISION DC 1104  
INDIANAPOLIS IN 46285



NOT ASSIGNED

1646

DATE MAILED:

07/07/96

**NOTICE TO FILE MISSING PARTS OF APPLICATION**

***Filing Date Granted***

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a small entity (statement filed)  non-small entity is \$ 130.*

1. The statutory basic filing fee is:

missing.  
 insufficient.

*Applicant must submit \$ \_\_\_\_\_ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*

2. Additional claim fees of \$ \_\_\_\_\_, including any multiple dependent claim fees, are required.

\$ \_\_\_\_\_ for \_\_\_\_\_ independent claims over 3.

\$ \_\_\_\_\_ for \_\_\_\_\_ dependent claims over 20.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

*Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.*

3. The oath or declaration:

is missing or unexecuted.  
 does not cover the newly submitted items.  
 does not identify the application to which it applies.  
 does not include the city and state or foreign country of applicant's residence.

*An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.*

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

*An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.*

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

*See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."*

9. OTHER: \_\_\_\_\_

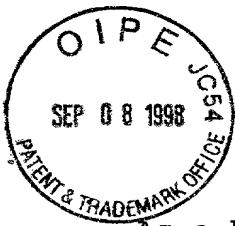
Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

*A copy of this notice **MUST** be returned with the reply.*

*A. Bell*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

REPLY TO THIS NOTICE MUST BE RETURNED WITH RESPONSE



## DECLARATION AND POWER OF ATTORNEY

Docket No. X-10675

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the invention entitled

### STABLE INSULIN FORMULATIONS

which is described and claimed in the specification which:

(check [ ] is attached hereto.  
one) [X] was filed on June 11, 1998 as United States Application Serial No. 09/096,247  
or  
PCT International Application No.  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional patent applications listed below.

60/053,089  
(Application Number)

June 13, 1997  
(Filing Date)

\_\_\_\_\_  
(Application Number)

\_\_\_\_\_  
(Filing Date)

**Power of Attorney:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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<u>Attorney</u>	<u>Reg. No.</u>	<u>Attorney</u>	<u>Reg. No.</u>
Brian P. Barrett	39,597	Robert E. Lee	27,919
Michael T. Bates	34,121	James P. Leeds	35,241
Roger S. Benjamin	27,025	Nelsen L. Lentz	38,537
David E. Boone	27,857	Ronald S. Maciak	35,262
William R. Boudreaux	35,796	Janet T. McClain	36,863
Steven P. Caltrider	36,467	Arlene K. Musser	37,895
Paul R. Cantrell	36,470	Douglas K. Norman	33,267
Daniel W. Collins	31,912	Arleen Palmberg	40,422
Robert A. Conrad	32,089	Kathleen R. S. Page	20,981
Anne I. Craig	32,976	Thomas G. Plant	35,784
John C. Demeter	30,167	James J. Sales	33,773
Paul J. Gaylo	36,808	Jeffrey J. Skelton	P42,152
Edward P. Gray	30,638	Janelle D. Strode	34,738
Amy E. Hamilton	33,894	Douglas J. Taylor	32,945
Thomas E. Jackson	33,064	Robert D. Titus	40,206
Charles Joyner	30,466	Guy K. Townsend	34,033
James J. Kelley	P41,888	Barbara Twardzik	36,386
David J. Kulik	36,576	MacCharri Vorndran-Jones	36,711
		Thomas D. Webster	39,872

said David E. Boone to have in addition the power to revoke the power granted to all others listed above.

Send Correspondence To:

ELI LILLY AND COMPANY  
Patent Division/SPC  
Lilly Corporate Center  
Indianapolis, Indiana 46285

Direct Telephone Calls To:  
(name and telephone No.)

Steven P. Caltrider  
317-276-0757

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of Sole or  
or First Inventor : Michael Rosario DeFelippis

Inventor's Signature : Michael Rosario DeFelippis Date: 8/20/98

Residence Address : 10906 Santa Anita Court  
Indianapolis, Indiana 46280

Post Office Address : SAME AS ABOVE

Citizenship : United States of America

Full Name of Second  
Joint Inventor, if Any: Michael Allen Dobbins

Inventor's Signature: Michael Allen Dobbins Date: September 1, 1998

Residence Address : 1109 Barry Drive  
Lebanon, Indiana 46052

Post Office Address : SAME AS ABOVE

Citizenship : United States of America

Full Name of Third  
Joint Inventor, if Any: Bruce Hill Frank

Inventor's Signature : Bruce Hill Frank Date: Sept 1, 1998

Residence Address : 9377 Spring Forest Drive  
Indianapolis, Indiana 46260

Post Office Address : SAME AS ABOVE

Citizenship : United States of America

Full Name of Fourth  
Joint Inventor, if Any: Shun Li

Inventor's Signature : Shun Li Date: Sept. 1, 1998

Residence Address : 7620 Bancaster Drive  
Indianapolis, Indiana 46268

Post Office Address : SAME AS ABOVE

Citizenship : United States of America

Full Name of Fifth  
Joint Inventor, if Any: Dawn Marie Rebhun

Inventor's Signature : Dawn Marie Rebhun Date: Sept 1, 98

Residence Address : 619 Spring Valley Drive  
Indianapolis, Indiana 46231

Post Office Address : SAME AS ABOVE

Citizenship : United States of America